

Atty. Docket No. YO-999-567  
(590.003)

**REMARKS**

Please note that the fact that November 2, 2003, fell on a Sunday ensures that this Preliminary Amendment, concomitant with the filing of a Request for Continued Examination, is timely filed (with an extension) as of today, November 3, 2003.

Applicants and the undersigned are most grateful for the time and effort already accorded the instant application by the Examiner. This Preliminary Amendment addresses issues cited by the Office in the Final Action dated June 2, 2003. Care has been taken to avoid the introduction of new matter.

Claims 1 and 3-31 were pending in the instant application at the time of the outstanding Office Action. Claims 1 and 20 have been rewritten, while Claims 7 and 24 have been cancelled without prejudice.

Claims 1, 3-5, 20-22, and 31 stand rejected under 35 U.S.C. 102(e) in view of Ludtke et al. (hereafter "Ludtke"). Claims 6-19 and 23-30 stand rejected under 35 U.S.C. 103(a) over Ludtke in view of Chiles et al. (hereafter "Chiles"). Reconsideration and withdrawal of the present rejections are hereby respectfully requested.

Claim 1, as amended, recites a self-describing peripheral device for being integrated with a computer operating system, with at least one hardware component resident in the device and at least one description subsystem resident in the device and associated with the at least one hardware component. Additionally, the at least one description subsystem comprises interface logic for interpreting commands received over

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an interface between the device and a computer operating system, wherein said interface logic is adapted to provide a reference to a network location where a recent version of a device driver is obtainable. Claim 20 recites similar features in a method of integrating a self-describing peripheral device with a computer operating system. It is respectfully submitted that the applied art is very far afield from that which is contemplated in accordance with Claims 1 and 20.

Simply, Ludtke and Childs have nothing to do with self-describing peripheral devices that have resident description subsystems, let alone with those that have interface logic adapted to provide a reference to a network location where a recent version of a device driver is obtainable. The specific passage cited by the Office, in Col. 5, Lines 14-19, of Ludtke, actually appear to teach away from the invention as recited by instant Claims 1 and 20. At best, Ludtke appears to contemplate a self-describing device which presents a graphical user interface for controlling the device. There is no teaching of providing "a reference to a network location where a recent version of a device driver is obtainable."

The Office does not cite any specific passage of Childs to support its position. A review of Childs further reveals that Childs is not directed to self-describing peripheral devices that have resident description subsystems. In Childs certain changes are made to the registry of the operating system when certain software is installed. (Col. 10, Lines 13-17). As discussed in Childs, incoming information (e.g., software) arises from two sources, network supplied information or information from a dedicated input source. (Col 10, Line 66 - Col 11, Line 2). However, Childs continues that "a dedicated input

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source is not relevant here." (Col. 11, Line 4) Thus, Childs teaches that the information (e.g., software) needed to initiate changes in the operating system registry is not initially located within the device or system of Childs.

The beauty of the very wide range of self-describing peripheral devices contemplated by the present invention is in their portability to different operating systems in different physical locales. The instant specification is replete with examples such self-describing devices that themselves contain the components needed to communicate to an operating system, *inter alia*, important descriptive information such as, e.g., a version number and information on how to obtain a newer version of a device driver. Such is not present in either Ludtke or Childs.

A 35 U.S.C. 103(a) rejection requires that the combined cited references provide both the motivation to combine the references and an expectation of success. Not only is there no motivation to combine the references, no expectation of success, but actually combining the references would not produce the claimed invention. Thus, the claimed invention is patentable over the combined references.

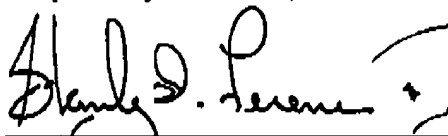
In view of the foregoing, it is respectfully submitted that Claims 1 and 20 fully distinguish over the applied art and are thus allowable. By virtue of dependence from Claim 1 and 20, it is respectfully submitted that 3-6, 8-19, 21-23, and 25-31 are also allowable.

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Applicants recognize that the Office has considered the prior art made of record but not applied against the claims to have been not sufficiently relevant as to have been applied against the claims.

In summary, it is respectfully submitted that the instant application, including Claims 1, 3-6, 8-23, and 25-31, is presently in condition for allowance. Notice to the effect is hereby earnestly solicited. In the unlikely event the Office does not agree the application is in condition for allowance, Applicants respectfully request an interview with the Examiner prior to the next Office Action in this case.

Respectfully submitted,



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